Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

# Message Text

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PAGE 01 LAGOS 06552 261006Z
ACTION COME-00

INFO OCT-01 AF-10 ISO-00 EB-08 SSO-00 /019 W
----------123964 261015Z /15
O 260905Z MAY 78
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC IMMEDIATE 8507

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E.O. 11652: N/A
TAGS: BENC, NI
SUBJECT: MAJOR PROJECT: NATIONAL TRANSMISSION SYSTEM

REF: (A) LAGOS 6405; (B) STATE 124730

1. EMBASSY HAS ENCOUNTERED SERIOUS DIFFICULTIES IN OBTAINING IN-FORMATION ON NATIONAL TRANSMISSION SYSTEM TENDER. ALTHOUGH WE CAN ASSIST IN POSTPONEMENT OF DEADLINES, IT IS VERY DIFFICULT TO GET TENDER DOCUMENTS ANALYZED SINCE WE ARE NOT SUPPOSED TO SEE OR RECEIVE INFORMATION ON THESE DOCUMENTS.

2. RE FIRST QUESTION REF (B) WE DISCERN FROM SOURCES AT MINISTRY OF COMMUNICATIONS (MOC) THAT SELLER IS NOT CONSIDERED NON-COMPLIANT IF HE TAKES EXCEPTION. EXCEPTIONS TAKEN IN FORM OF CONDITIONS OF OFFER OR RECOMMENDATIONS WILL BE CONSIDERED. BIDDER DIES, HOWEVER, RUN POSSIBLE RISK OF OFFENDING CONSULTANTS, WHO HAVE INPUT IN SELECTION PROCESS, BY SUGGESTING ALTERNATE APPROACHES. BIDDER ALSO RUNS RISK OF GOING BEYOND CONTRACT PARAMETERS.

3. RE SECOND QUESTION, THE SELLER SHOULD ADDRESS EACH ARTICLE, EVEN IF HE DOES COMPLY WITH THEM.

4. RE GENERAL CONDITIONS (SPECIFIC), THE SELLER IS RESPONSIBLE FOR EQUIPMENT HE SUPPLIES IRRESPECTIVE OF THE SOURCE. AS GENERAL RULE-OF-THUMB, PROFITS ARE NOT REVEALED IN TENDER DOCUMENTS.
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5. RE LIQUIDATION DAMAGES, LEADING MOC OFFICIAL SUGGESTS 25 PERCENT BID AND 10 PERCENT PERFORMANCE BOND, BUT MINISTRY WOULD NOT MAKE OFFICIAL STATEMENT.

6. AS FOR PATENT INFRINGEMENT, BUYER IS WILLING TO ACCEPT IN-DEMNIFICATION FOR PATENT INFRINGEMENT IN THE U.S. OR ELSEWHERE.

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MINISTRY SPOKESMEN, HOWEVER, REFRAINED FROM EXPRESSING OFFICIAL VIEW.

7. MINISTRY UNABLE SPECIFFICALLY ANSWER THE LAST QUESTION AS TO WHAT IS LIBERAL AND NORMAL IN PAYMENT TERMS. OFFICIALS SUGGESTED THAT BIDDER USE OWN DISCRETION.
EASUM

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# Message Attributes

**Automatic Decaptioning:** X
**Capture Date:** 01 jan 1994
**Channel Indicators:** n/a
**Current Classification:** UNCLASSIFIED
**Concepts:** n/a
**Control Number:** n/a
**Copy:** SINGLE
**Draft Date:** 26 may 1978
**Decaption Date:** 01 jan 1960
**Decaption Note:**
**Disposition Action:** RELEASED
**Disposition Approved on Date:**
**Disposition Case Number:** n/a
**Disposition Comment:** 25 YEAR REVIEW
**Disposition Date:** 20 Mar 2014
**Disposition Event:**
**Disposition History:** n/a
**Disposition Reason:**
**Disposition Remarks:**
**Document Number:** 1978LAGOS06552
**Document Source:** CORE
**Document Unique ID:** 00
**Drafter:** n/a
**Enclosure:** n/a
**Executive Order:** N/A
**Errors:** N/A
**Expiration:**
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**Office:** ACTION COME
**Original Classification:** LIMITED OFFICIAL USE
**Original Handling Restrictions:** n/a
**Original Previous Classification:** n/a
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**Page Count:** 2
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**Reference:** 78 LAGOS 6405, 78 STATE 124730
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**Review Release Event:** n/a
**Review Transfer Date:**
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**Status:** NATIVE
**Subject:** MAJOR PROJECT: NATIONAL TRANSMISSION SYSTEM
**TAGS:** BENC, NI
**To:** STATE
**Type:** TE
**vdkvgwkey:** odbc://SAS/SAS.dbo.SAS_Docs/bfe3b695-c288-dd11-92da-001cc4696bcc
**Review Markings:**
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